IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1310 OF 1996.

Bank of ndia : Appellants.

versus

Pandit Gurusidha Kadate & ors. : Respondents.

Mr.C.R.Dalvi for the appellants.

None for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 4th April 2005.

ORAL ORDER

1. Heard Mr.Dalvi for the appellants/Bank. This appeal is filed by the bank. Even though there was a decree in favour of the bank, the only thing that is challenged is that the trial court awarded interest only on the principal amount. According to Mr.Dalvi when on the date of suit the principal amount along with the interest was Rs.3,68,641/-, then that become the

principal amount and not Rs.1,56,000/-. He relied upon the judgment of the Supreme Court reported in **AIR 2001 SC 3095 [Central Bank of India v. Ravindra].** Therefore, in view of this judgment, this appeal is required to be partly allowed. Hence I pass the following order :-

:ORDER:

The appeal is partly allowed.

The impugned judgment and decree of the trial Court is modified as under :-

The amount of Rs.3,68,641/- is treated as principal amount and not Rs.1,56,000/-. Rest of the order of the trial Court remains as it is.

No order as to costs as nobody is present for the respondent Nos.1 to 5.

[D.G.DESHPANDE]

04/04/2005 JUDGE.